

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:05-CR-112
)	(VARLAN/SHIRLEY)
MELVIN DAVIS,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

A report and recommendation has been forwarded to the undersigned recommending that this case be certified as extended and/or complex. Counsel for the defendant has been appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006(a)), and has filed a Motion For Certification Pursuant to 18 U.S.C. § 3006A(d)(3) [Doc. 58].

The report and recommendation points out that the Superseding Indictment [Doc. 15] charges the defendant with two separate offenses that would ordinarily be the subject of two trials. The report and recommendation further points out that this case is currently set for trial on April 18, 2006; that unusual legal issues have been raised; and that defense counsel has been required to engage in extensive research and motion practice under extraordinary pressure of time. Because of the unusual legal issues raised under expedited circumstances, it is the conclusion of the report and recommendation that this case meets the definitions of “complex” and “extended” and that excess payments may be necessary to provide fair compensation to counsel.

The Court agrees with the report and recommendation and hereby **ADOPTS** the same. This order adopting the report and recommendation, along with a copy of the report and recommendation

and an order concerning excess and interim payments, approved by the undersigned, shall be forwarded to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE